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Agenda item 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[31 January 1992]

Freedom of opinion and of expression: arbitrary arrests, the example of the Socialist Republic of Viet Nam

1. The International Federation of Human Rights (IFHR) and its affiliate organization, the Vietnam Committee on Human Rights, welcome the recent release by the Socialist Republic of Viet Nam (SRVN) of three prominent writers, particularly that of the poet Nguyen Chi Thien, who was detained without trial since 1978 for transmitting a manuscript of his poems to a foreign embassy in Hanoi.

2. However, the IFHR and the Vietnam Committee are alarmed by the excessively harsh sentence imposed on Dr. Nguyen Dan Que, who was condemned to 20 years in prison on 29 November 1991 for circulating documents calling for democracy and human rights. Dr. Que had already spent 10 years in reeducation camp, from 1978-1988, and is said to be in very poor health. Nguyen Van Thuan,

an associate of Dr. Que, was sentenced to 10 years' imprisonment. The arrest and conviction of Dr. Que and Nguyen Van Thuan violate the fundamental right to seek, receive and impart information and ideas as guaranteed by article 19 of the International Covenant on Civil and Political Rights (ICCPR).

3. The IFHR and the Vietnam Committee have been informed of the arrest of thousands of people since 1975 on the basis of articles relative to state security (SRVN Criminal Code, art.81, 82, 83) and of provisions in the Penal Procedures Code (art.71-(1)) allowing for the indefinite prolongation of temporary detention in cases of "crimes of particular danger to national security", invoked to justify indefinite detention without trial. These arbitrary arrests and indefinite detention without trial contravene articles 9.1 and 9.3 of the ICCPR which guarantee the right of anyone arrested to be "brought promptly before a judge or other officer authorized by law to exercise judicial power".

4. These detainees include a large number of writers, artists, academics and journalists who are frequently subjected to harassment, intimidation and physical violence solely for exercising their right to express their non-violent opinions, guaranteed in article 19 of the ICCPR.

5. The IFHR and the Vietnam Committee are particularly concerned about the fate of several journalists, writers and academics who were arrested in November-December 1990 in a nationwide police sweep and are detained without trial on alleged charges relating to national security. In their oral statement to the forty-seventh session of the Commission on Human Rights in February 1991, the IFHR and the Vietnam Committee raised the cases of these writers who include: Le Van Tien, To Thuy Yen, Doan Viet Hoat and Nguyen Mau.

6. All the writers mentioned above have previously spend at least 10 years in reeducation camps.

7. Other writers arrested and detained without trial since the November-December 1990 sweep include journalists Pham Thai Thuy and Cao Son (Nguyen Van Tan) and Vuong Duc Le, Pham Duc Kham, former officer of the South Vietnamese army, was arrested during the same campaign.

8. The IFHR and the Vietnam Committee are also concerned about the detention without trial of Do Ngoc Long (54 years old), arrested in April 1990, who reportedly acted as an interpreter for a British journalist who interviewed the "Club of Resistance Fighters", a movement critical of the Vietnamese Communist Party; and Duan Thanh Liem (56 years old), arrested in April 1990 because of his connection with Michael Morrow, an American businessman detained in Viet Nam between April and May 1990. Also of concern is the house-arrest of former leaders of the "Club of Resistance Fighters" Ta Ba Tong and Nguyen Ho following their criticisms of the Communist Party leadership in their newspaper Tradition of Resistance which was subsequently banned.

9. The IFHR and the Vietnam Committee are also concerned that these thousands of prisoners of conscience, also including a large number of religious dignitaries and lay persons, are in prison or under house arrest solely for the non-violent expression of their conscienciously held beliefs, whereas article 18 of the ICCPR guarantees freedom of thought, conscience and religion, a non-derogeable right (art.4).

10. The IFHR and the Vietnam Committee are particularly concerned about the situation of the following religious dignitaries: Venerable Thich Quang Do and Venerable Thich Huyen Quang, Venerables Thich Tue Sy and Le Manh That, Venerable Thich Duc Nhuam, Roman Catholic priest Tran Dinh Thu, Roman Catholic priest Chan Tin, under house arrest (in Duyen Hai province, not at his own home) since 16 May 1990, charged with making anti-Government declarations and "inciting Catholics to demand human and civil rights", Roman Catholic intellectual Nguyen Ngoc Lan.

11. The IFHR and the Vietnam Committee welcome the efforts of the Socialist Republic of Viet Nam to release political prisoners. Nevertheless, the IFHR and the Vietnam Committee are concerned by systematic attempts to suppress freedom of opinion, conscience, religion and expression and by massive arbitrary arrest and detention; they call strongly upon the Commission on Human Rights to investigate the above-mentioned cases.